

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SANDRA E. FLUCK,)
)
Plaintiff,)
)
) C. A. No. 06-188-GMS
v.)
)
Bella Vista Development, LLC,)
a Virginia corporation, Bella Vista)
Townhome Condominium)
Association, Inc., a Delaware)
Corporation, Resort Realty Group,)
Inc., a Delaware corporation, William J.)
Mitchell, individually, and Wayne)
Mitchell, individually,)
)
Defendants.)

TRIAL BY A JURY DEMANDED

DEFENDANT RESORT REALTY GROUP, INC.'S MOTION TO DISMISS

Defendant Resort Realty Group (Defendant), by and through its undersigned counsel, hereby moves moves this Court for an Order dismissing the Amended Complaint against it pursuant to Rule 12 (b)(5) of the Federal Rules of Civil Procedure.

Defendant respectfully refers the Court to the factual assertions and legal arguments made in Defendant's Opening Brief in support of this Motion, filed contemporaneously herewith and included herein by reference.

WHEREFORE, Defendant respectfully requests this Court to grant the Motion to Dismiss the Complaint and to award such other relief as is just and proper.

FERRY, JOSEPH & PEARCE, P.A.

/s/Robert K. Pearce

ROBERT K. PEARCE, ESQ. (I.D. No. 191)
THOMAS R. RIGGS, ESQ. (I.D. No. 4631)
824 Market Street, Suite 904
Wilmington, DE 19899
(302) 575-1555
rpearce@ferryjoseph.com
Attorneys for Defendant
Resort Realty Group, Inc.

Dated: January 20, 2007

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

SANDRA E. FLUCK,)	
)	
Plaintiff,)	
)	C. A. No. 06-188-GMS
v.)	
)	
BELLA VISTA DEVELOPMENT, LLC,)	
a Virginia corporation, BELLA VISTA)	TRIAL BY A JURY DEMANDED
TOWNHOME CONDOMINIUM)	
ASSOCIATION, INC., a Delaware)	
Corporation, RESORT REALTY GROUP,)	
INC., a Delaware corporation, WILLIAM J.)	
MITCHELL, individually, and WAYNE)	
MITCHELL, individually,)	
)	
Defendants.)	

O R D E R

AND NOW, TO-WIT, this _____ day of _____, 2007, the foregoing Motion
to Dismiss having been presented to and considered by the Court,

IT IS HEREBY ORDERED that Defendant Resort Realty Group, Inc.'s motion is
GRANTED, and Plaintiff Sandra E. Fluck's claims against Defendant Resort Realty Group, Inc. is
DISMISSED.

The Honorable Gregory M. Sleet
United States District Court Judge

CERTIFICATE OF SERVICE

I, Robert K. Pearce, Esquire do hereby certify that on February 20, 2007 I electronically filed the foregoing *Defendant Resort Realty Group, Inc.'s Motion to Dismiss* with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

Roger A. Akin, Esq.
1220 N. Market Street
Suite 300
P.O. Box 25047
Wilmington, DE 19899

Stephen Casarino, Esq.
Casarino, Christman & Shalk, P.A.
800 North King Street, Suite 200
P.O. Box 1276
Wilmington, DE 19899

Charles P. Coates, III, Esq.
Christiana Executive Campus
131 Continental Drive, Suite 407
Newark, DE 19713-4301

Carol Antoff, Esq.
1001 Jefferson Plaza, Suite 202
Wilmington, DE 19801

Jennifer S. Donahue, Esq.
Doroshow, Pasquale, Krawitz & Bhaya
213 E. Dupont Highway
Millsboro, DE 19966

/s/Robert K. Pearce
ROBERT K. PEARCE, ESQUIRE
I.D. No. 191

Dated: February 20, 2007